C.J.'s Court

Writ Petition No. 231 (M/B)of 2002

Yogendra Kumar ……. Petitioner

Versus

District Panchayat Raj Officer,
Haridwar and four others ……. Respondents

Hon. A. A. Desai, C.J.
Hon. M.M.Ghildiyal,J.

Heard Sri Vijay Bhatt, learned counsel for the petitioner, learned Standing Counsel and Sri Manoj Tiwari, learned counsel for the respondent no.5.

The respondent no.5 was holding the post of Pradhan of Gaon Panchayat, Harjoli Jutt,Tehsil Roorkee, Haridwar. For certain financial irregularities as alleged, he was arrested and sent to jail. The petitioner was given charge of the office of Pradhan. However, after sometime the respondent no.5 was released on bail. He was allowed to occupy of office of the Pradhan. This was challenged by the petitioner in the instant petition.

Mr. Bhatt, learned counsel for the petitioner, argued at length that if the Pradhan is moved from the office for remainder term, Up- Pradhan is entitled to occupy of the office of Pradhan and as such on removal of the respondent no.5, right is accrued in favour of the petitioner. As such, he can not be relieved from the office of the Pradhan on release of the respondent no.5 on bail.

We have carefully perused the order giving charge to the petitioner of the office of Pradhan. It does not indicate in any way that the respondent no.5 was removed from the office. Even otherwise, as reported for the financial irregularities the inquiry is in progress. The order merely indicates that by way of stop gap arrangement the charge was given for the time being and till further orders. As such, on release of Pradhan- the respondent no.5, as a normal consequence, the petitioner is under obligation to vacate the

office. No right is accrued in his favour and no legal right is vested on the petitioner to either raise any grievance or continue in the office particularly when the vacancy of the office of the Pradhan was not on regular basis since the inquiry is pending.

The petition is thus without any merit. We dismiss the same. Consequently, the interim order dated 23.05.2002 stands vacated.

(M.M.Ghildiyal, J.) **(A.A.Desai, C.J.)**

Dt.2.12.2002
A